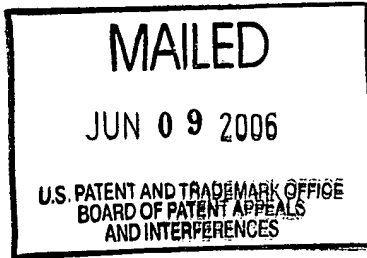


UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---



---

Ex parte TAN DU PLANO  
and  
JOHN K. ROTE

---

Application 09/464,315

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was received electronically at the Board of Patent Appeals and Interferences on May 9, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that an Appeal Brief and Extension of Time were filed on September 1, 2005 which stated: "Charge any and all fees, or credit any overpayment, to the account of Texas Instruments Incorporated, Account No. 20-0668." The Patent and Trademark Office records reflect that the \$1020 three-month extension of time has been charged, but the \$500 Appeal Brief fee has not been charged.

In addition, 37 CFR § 41.37(c)(1)(v) reads as follows:

(c)(1) The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section, except that a brief filed by an appellant who is not represented by a registered practitioner need only substantially comply with paragraphs (c)(1)(i) through (c)(1)(iv) and (c)(1)(vii) through (c)(1)(x) of this section:

....

(v) *Summary of claimed subject matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The “Summary of claimed subject matter” appearing on pages 2-4 of the Appeal Brief filed September 1, 2005 is deficient because it does not map the claimed invention to the independent claims. Correction is required.


Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for the \$500.00 Appeal Brief fee to be charged to appellants’ Deposit Account No. 20-0668;
- 2) for notification to appellants to submit a substitute Appeal Brief which corrects the “Summary of Claimed Subject Matter”; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
DALE M. SHAW  
Deputy Chief Appeal Administrator  
(571) 272-9797

DMS:psb

Texas Instruments Incorporated  
P.O. Box 655474, M/S 3999  
Dallas, TX 75265